

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

ABRUZZO DOCG INC. d/b/a  
TARALLUCCI E VINO, et al.,

Plaintiffs,

v.

ACCEPTANCE INDEMNITY INSURANCE  
COMPANY, et al.,

Defendants.

Civil Action No.: 1:20-cv-04160-MKB-JO

**DEFENDANT TRAVELERS EXCESS AND SURPLUS LINES COMPANY'S  
JOINDER IN OPPOSITION TO REMAND**

Defendant Travelers Excess and Surplus Lines Company (“Travelers Excess”), by and through its attorneys, Robinson & Cole LLP, hereby joins in “Defendants’ Memorandum of Law in Opposition to Plaintiffs’ Motion to Remand” filed by co-defendant Acceptance Indemnity Insurance Company filed on October 20, 2020 (the “Opposition to Remand”). Travelers Excess incorporates, adopts, and joins in the arguments and analysis set forth in the Opposition to Remand.

In further support of the Opposition to Remand, Travelers Excess provides the following factual information. Travelers Excess insures only one of the Plaintiffs in this lawsuit: Fourth Wall Restaurants, LLC d/b/a Quality Branded (“Quality Branded”). (Amended Complaint, ECF Nos. 1-40 & 1-41 (the “Am. Compl.”), ¶¶ 51, 496, 882). Quality Branded was insured under one insurance contract issued by Travelers Excess and asserts claims arising out of or related to that insurance contract. Quality Branded does not make any claims against any other defendant in this lawsuit (*see id.* at Forty-Eighth Cause of Action), and none of the other Plaintiffs make any claims against Travelers Excess.

Travelers Excess is a Connecticut corporation with its principal place of business in Connecticut. (*Id.*, ¶ 158). Quality Branded is a New York limited liability company (*id.*, ¶ 51) with members that are citizens of Florida, New Jersey, and New York (ECF No. 68, ¶ 19). There is thus complete diversity of citizenship between Travelers Excess and Quality Branded. Additionally, as Quality Branded has not disputed, the amount in controversy between Travelers Excess and Quality Branded, exclusive of interest and costs, exceeds \$75,000.00. While Quality Branded does not quantify the specific amount of damages that it seeks in connection with its claims, the applicable business income policy limit for the one-year policy under which it makes its claims is in excess of \$77,000,000. (ECF No. 1-74 at pg. 3 of 57). Out of respect for any confidentiality concerns Quality Branded may have with respect to its financial information, Travelers Excess has not set forth Quality Branded's financial information in detail herein. Travelers Excess would submit this information under seal if Quality Branded so requests and the Court allows. As such, and as discussed in the Opposition to Remand, the Court should maintain Travelers Excess's right of removal based on diversity jurisdiction and deny Plaintiffs' Motion to Remand.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 20, 2020, a copy of the foregoing was served via email to the following counsel:

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